

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2010-322-T - ORDER NO. 2011-271

APRIL 19, 2011

IN RE: Application of New World Van Lines,	) ORDER GRANTING
Incorporated for a Class E (Household	) CLASS E (HOUSEHOLD
Goods) Certificate of Public Convenience	) GOODS) CERTIFICATE
and Necessity for Operation of Motor	) OF PUBLIC
Vehicle Carrier	) CONVENIENCE AND
	) NECESSITY

This uncontested matter comes before the Public Service Commission of South Carolina (the "Commission") on the Application, as amended, of New World Van Lines, Inc. ("New World" or "Applicant"), 5875 North Rogers Avenue, Chicago, Illinois 60646 for a Class E Certificate of Public Convenience and Necessity for statewide authority to transport household goods as defined by S.C. Code Ann. Regs. 103-210(1).

The Applicant was instructed to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing was published and instructed the public as to how to file pleadings to participate in the proceedings on the Application. There were no requests by a party to intervene in this proceeding.

**EVIDENCE OF RECORD**

A hearing on the Application was held on March 24, 2011. The Honorable John E. Howard, Chairman, presided. Present representing the Applicant was David Popowski, Esquire. Appearing on behalf of the Office of Regulatory Staff ("ORS") was Shealy Boland Reibold, Esquire.

Testifying for New World was Quintin S. Marx, Executive Vice-President. In addition, following the Commission's Directive dated March 2, 2011, the Applicant tendered without objection the original deposition of shipper support witness, Lois J. Johnson ("Johnson"), Manager of Real Estate Services of Automatic Data Processing, Inc. ("ADP"), dated March 9, 2011, that was electronically filed with the Commission on March 16, 2011.

Mr. Marx reiterated the information contained in New World's Application that its safety rating is satisfactory and that it has no outstanding judgments pending against it. Further, New World has total assets of \$28,055,419 and total equity of \$13,090,909. Mr. Marx testified that New World has no debt. Mr. Marx stated that he is familiar with all pertinent statutes and regulations, including safety regulations, in South Carolina and that New World would operate in compliance with these statutes and regulations. New World has a safety department with eight employees. Mr. Marx reviewed the equipment list in New World's Application consisting of 22 sleeper cabs and 3 vans owned by New World and stationed at its nearest terminal in Atlanta, Georgia. Its insurance coverage for liability and cargo with Vanliner Insurance Company conforms to the Commission's requirements.

Mr. Marx gave an overview of New World stating that it was founded by his grandfather in the early 1900's and, following his grandfather's injury, his late father, then in his early teens, assumed control. It is now managed by Mr. Marx, his mother and siblings. New World has 13 terminals throughout the United States, and the number of its employees fluctuates. The company generally employs 500 workers, but increases to

800 during peak moving season. Mr. Marx stated that New World's five-year plan includes the prospect of opening a terminal in South Carolina and thus employing South Carolina residents. Mr. Marx stated that New World's focus is providing very detailed service to Fortune 500 companies that are relocating employees both on an interstate and intrastate basis. In South Carolina, those customers include, among others, supporting witness ADP and Wells Fargo Bank. Mr. Marx stated that New World has never had a certificate issued by another jurisdiction revoked. Mr. Marx indicated that it issues bills of lading for each shipment, and that its estimates will be based on its tariff and not be a fixed or set price.

As stated above, testifying for ADP was Lois J. Johnson. She stated that ADP is headquartered in Roseland, New Jersey, with offices in Charlotte, North Carolina, where she is located. ADP is in the business of providing payroll and benefits services to small businesses that have 10 employees, major accounts with 900 employees, and national accounts that exceed 1000 employees. ADP itself has 40,000 employees worldwide. In South Carolina, there are a total of 424 employees consisting of 336 in Florence, 20 in Greenville, 7 in Charleston, and 6 in Columbia. ADP has a program known as Real Estate Services where, as here relevant, it assists employees and customers with household goods moving from the first step of an estimate to delivery with pre-screened recommended household goods carriers. In South Carolina, it has no recommended carriers. New World is a recommended carrier in other jurisdictions and thus ADP supports this Application. Johnson states that she believes that the market supports another household goods mover in South Carolina.

### **FINDINGS OF FACT**

After full consideration of the Application, the testimony presented, and the applicable law, the Commission makes the following findings of fact:

1. The Applicant, New World Van Lines, Inc., seeks statewide authority to transport household goods as defined by S.C. Code Ann. Regs. 103-210(1).

2. The Applicant is fit, willing, and able to provide and properly perform the services which it seeks to provide. “Fitness” has been demonstrated since the record contains (1) a certification that the Applicant, through its principal, is familiar with the regulations and statutes governing for-hire motor carrier services; and (2) evidence that there are no outstanding judgments pending against the Applicant or its principals. “Able” was demonstrated by the evidence of record which reveals that the Applicant has the present ability and necessary trucks, equipment, and personnel with which to perform moving services, and has similarly arranged for insurance which meets the minimum requirements set by this Commission. The evidence of record also indicates that the Applicant possesses sufficient financial resources necessary to conduct for-hire motor carrier operations in South Carolina. Moreover, “willingness” was demonstrated by filing of the Application and the testimony of the witnesses indicating the Applicant’s desire to invest its considerable resources to operate as a household goods motor carrier in South Carolina. The ORS did not contest the fitness, ability, and willingness of the Applicant to provide the services requested, and this finding of fact is uncontested in the record.

3. The services proposed by the Applicant are required by public convenience and necessity. We find that the witness presented on behalf of the Applicant was credible and established that the public convenience and necessity require the issuance of the certificate requested by the Applicant. The Applicant and its witness were knowledgeable of the need for an additional household mover in South Carolina. Indeed, New World is prepared to invest its considerable resources in meeting the need for its services as a mover of household goods.

Accordingly, the Commission finds that the services proposed by the Applicant are required by the public convenience and necessity.

#### **CONCLUSIONS OF LAW**

Based upon the above Findings of Fact and the applicable law, the Commission concludes as follows:

1. The Commission concludes that New World Van Lines, Inc. has demonstrated that it meets the requirements of fit, willing, and able as set forth in 26 S.C. Code Ann. Regs. 103-133 (Supp. 2010).

2. The Commission concludes that New World Van Lines, Inc. has sufficiently demonstrated that the public convenience and necessity requires New World Van Lines, Inc.'s proposed services as reflected in its Application.

3. Based on the conclusions above, that New World Van Lines, Inc. has demonstrated that it meets the requirements of fit, willing, and able and that it has demonstrated that the public convenience and necessity require the services it proposes, the Commission concludes that a Class E Certificate of Public Convenience and

Necessity should be granted and that New World Van Lines, Inc. should be granted statewide authority to transport household goods, as defined in R. 103-210(1). This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED:

1. That the Application of New World Van Lines, Inc. for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved.

2. New World Van Lines, Inc. shall file the proper insurance, safety rating, and other information required by S.C. Code Ann. Section 58-23-10 *et. seq.* (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

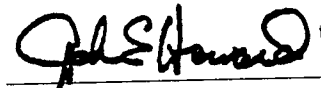
3. Upon compliance with S.C. Code Ann. Section 58-23-10 *et. seq.* (1976), as amended, and the applicable Regulations for Motor Carriers, S.C Code Ann. Vol. 26 (1976), as amended, a Certificate shall be issued to New World Van Lines, Inc. authorizing the motor carrier services granted herein.

4. Prior to compliance with the above-referenced requirements and receipt of a Certificate, the motor carrier services authorized herein shall not be provided.

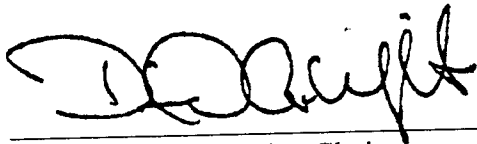
5. Failure of the Applicant either (1) to complete the certification process by complying with the Commission requirements of causing to be filed with the Commission proof of appropriate insurance and an acceptable safety rating within sixty

(60) days of the date of this Order or (2) to request and obtain from the Commission additional time to comply with the requirements of the Commission as stated above, shall result in the authorization approved in the Order being revoked.

BY ORDER OF THE COMMISSION:

  
\_\_\_\_\_  
John E. Howard, Chairman

ATTEST:



\_\_\_\_\_  
David A. Wright, Vice Chairman  
(SEAL)